

To: Villagomez, Marcelo@Waterboards[Marcelo.Villagomez@waterboards.ca.gov]; Cardellino, Joan@SCC[Joan.Cardellino@scc.ca.gov]; mediafranh2o@gmail.com[mediafranh2o@gmail.com]; ggrayi@aol.com[ggrayi@aol.com]; tlippman@bos.lacounty.gov[tlippman@bos.lacounty.gov]; bruce@lawwaterkeeper.org[bruce@lawwaterkeeper.org]; ssikich@healthebay.org[ssikich@healthebay.org]; enrique.zaldivar@lacity.org[enrique.zaldivar@lacity.org]; cynthia.perez@lacity.org[cynthia.perez@lacity.org]; veronica.mendez@lacity.org[veronica.mendez@lacity.org]; wing.tam@lacity.org[wing.tam@lacity.org]; Rita Kampalath[rkampalath@healthebay.org]
Cc: Martin, Molly[Martin.Molly@epa.gov]; cfcaspary@gmail.com[cfcaspary@gmail.com]; jsibert@malibucity.org[jsibert@malibucity.org]; matt.petersen@lacity.org[matt.petersen@lacity.org]; Smith, Deborah@Waterboards[Deborah.Smith@waterboards.ca.gov]; malibugrants@aol.com[malibugrants@aol.com]; svalor@santamonicabay.org[svalor@santamonicabay.org]; edwardc@westbasin.org[edwardc@westbasin.org]; Coupe, David@Waterboards[David.Coupe@waterboards.ca.gov]; tford@santamonicabay.org[tford@santamonicabay.org]; Wang, Guangyu@Waterboards[Guangyu.Wang@waterboards.ca.gov]; Topel, Jack@Waterboards[Jack.Topel@waterboards.ca.gov]; Heather Burdick[hburdick@santamonicabay.org]
From: McChesney, Frances@Waterboards
Sent: Thur 9/15/2016 5:40:15 PM
Subject: RE: SMBRC Executive Committee Meeting Package (9/15/2016)

Dear Executive Committee Members and Mr. Ford,

On September 14, 2016, Mr. Walter Lamb sent you an email providing comments concerning Item #3 on your agenda regarding the Prop. 84 Proposal process. Unfortunately neither David Coupe nor I are available to attend your meeting today. In lieu of attending the meeting, I am providing a response to Mr. Lamb's comments regarding conflicts.

Mr. Lamb appears concerned that the SMBRC's consideration of Prop. 84 grants issued by the State Water Board raise a potential conflict regarding The Bay Foundation. I wish to assure you that your consideration of Prop. 84 grants does not create a conflict for any member of the Governing Board (GB) due to your membership on the GB.

First, it is important to understand the nature of the agenda item on your Sept. 15 agenda: You will consider whether to place on the GB's agenda the consideration of Prop 84 requests. The GB will, in turn, consider whether to recommend to the State Water Resources Control Board (State Water Board) that it approve the grants. The SMBRC will not approve the grants, but will only make a recommendation. The State Water Board will, in turn, make its own independent determination on whether to issue the grants.

Second, the applicants for grant funding are all local agencies. Thus, the GB will not be recommending that grants be awarded to TBF.

Third, even if the GB were considering recommending that a grant be awarded to TBF or that a local agency receiving a grant might contract with TBF, there is no conflict raised. State law provides a specific exemption for contracts (including grants) involving a nonprofit, tax-exempt corporation having among its primary purposes the conservation, preservation, or restoration of park and natural lands or historical resources for public benefit. See Government Code section 1091.5(a).

In addition, for those GB members who represent local agencies, state law specifically states that an officer has no conflict with respect to its local agency contracts (including grants) . See Government Code section 1091.

In summary, as officers representing various local agencies, you have no conflict regarding these grant proposals, even if your city might ultimately be one of the grant recipients. In addition, no conflict arises due to the fact that some local agencies on the GB have made donations to TBF.

Mr. Coupe will attend the next GB meeting and can provide further legal advice as needed. If you have questions regarding this email or Mr. Lamb's comments, you can contact me or Mr. Coupe. Here is my contact information:

Frances L. McChesney, Attorney IV

Office of Chief Counsel

State Water Resources Control Board

1001 I Street, 22nd Floor

Sacramento, CA 95814-2828

Phone: 916.341.5174

Fax: 916.341.5199

Email: frances.mcchesney@waterboards.ca.gov

From: Villagomez, Marcelo@Waterboards

Sent: Friday, September 09, 2016 4:03 PM

To: Cardellino, Joan@SCC; mediafranh2o@gmail.com; ggrayi@aol.com; tlippman@bos.lacounty.gov; bruce@lawaterkeeper.org; ssikich@healthebay.org; enrique.zaldivar@lacity.org; cynthia.perez@lacity.org; veronica.mendez@lacity.org; wing.tam@lacity.org; Rita Kampalath

Cc: martin.molly@epa.gov; cfcaspary@gmail.com; jsibert@malibucity.org; matt.petersen@lacity.org; Smith, Deborah@Waterboards; malibugrants@aol.com; McChesney, Frances@Waterboards;

svalor@santamonicabay.org; edwardc@westbasin.org; Coupe, David@Waterboards; tford@santamonicabay.org; Wang, Guangyu@Waterboards; Topel, Jack@Waterboards; Heather Burdick

Subject: SMBRC Executive Committee Meeting Package (9/15/2016)

Dear Executive Committee (EC) Members:

Attached please find the agenda for the next SMBRC Executive Committee meeting, which will be held on **Thursday, September 15, 2016 beginning at 12:30 p.m.** at the Edward C. Little Water Recycling Facility.

Meeting Location:

Edward C. Little Water Recycling Facility

1935 S. Hughes Way

El Segundo, CA 90245

If you haven't done so, please RSVP your attendance to Scott Valor at your earliest convenience at svalor@santamonicabay.org or 808-631-6118. Thank you.